

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1A (SINGLE-FAMILY RESIDENTIAL DISTRICT); (LARRY AND LINDA MAINGOT, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 02-23-04 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1A (SINGLE-FAMILY RESIDENTIAL DISTRICT); (LARRY AND LINDA MAINGOT, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1A (SINGLE-FAMILY RESIDENTIAL DISTRICT); (LARRY AND LINDA MAINGOT, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 4 – Henley)

(Francisco Torregrosa, Planner)

GENERAL INFORMATION	APPLICANTS: LARRY AND LINDA MAINGOT LOCATION: 1060 VISTA ROAD ZONING: R-1A (SINGLE-FAMILY RESIDENTIAL)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> THE APPLICANTS PROPOSE TO CONSTRUCT A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 2.5 FEET INTO THE MINIMUM 7 FOOT SIDE YARD SETBACK; A VARIANCE IS THEREBY REQUESTED. THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE, AS STATED BELOW:

	<ul style="list-style-type: none">• THE NARROWING OF THE REAR YARD COMBINED WITH THE PROXIMITY OF THE CANAL AND ASSOCIATED 100 YEAR FLOOD ELEVATION CONSTITUTES A HARDSHIP BECAUSE THE BUILDABLE AREA FOR A POOL SCREEN ENCLOSURE IN THE REAR YARD IS SUBSTANTIALLY REDUCED.• THE GRANT OF THE REQUESTED VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE AREA.• THE REQUESTED VARIANCE WOULD BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY FOR THE PURPOSE OF A SCREEN ENCLOSURE.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUESTED AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITION CONDITIONS DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 (407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BV2004-010

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- ☒ **VARIANCE FRONT** STREET SETBACK VARIANCE TO PLACE POOL AND POOL ENCLOSURE IN FRONT OF HOUSE. FRONT YARD SETBACK VARIANCE FROM 27.6' TO 21' FEET FOR POOL ENCLOSURE (AND FROM 27.6' TO 24' FEET FOR THE POOL).
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	LARRY AND LINDA MAINGOT	
ADDRESS	1060 VISTA ROAD	
	LONGWOOD FL 32750	
PHONE 1	407 830-1264	
PHONE 2	407 585-2585	
E-MAIL	lmaingot@bairnco.com	

PROJECT NAME: MAINGOT POOLSITE ADDRESS: 1060 VISTA ROAD, LONGWOOD, FL 32750CURRENT USE OF PROPERTY: SINGLE FAMILY RESIDENCELEGAL DESCRIPTION: LOT 61, MYRTLE LAKE HILLS, AS RECORDED IN PLAT BOOK 13, PAGES 7-9, PUBLIC RECORDS OF SEMINOLE COUNTY, FLSIZE OF PROPERTY: 16,436 ft² acre(s) PARCEL I.D. 25-20-29-501-0000-0610UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER _____KNOWN CODE ENFORCEMENT VIOLATIONS NONEIS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on FEB 23, 6 PM (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT

DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2

VARIANCE 3

VARIANCE 4

VARIANCE 5

VARIANCE 6

VARIANCE 7

VARIANCE 8

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

4

LDR / R1A

PROCESSING:

FEE: \$150

COMMISSION DISTRICT

FLU / ZONING

LOCATION FURTHER DESCRIBED AS

PLANNER V B

DATE JAN 8, 04

SUFFICIENCY COMMENTS

1/8/04

LOCATED ON THE NW SIDE OF VISTA RD APPROX
200' FROM THE INTERSECTION WITH OVERLOOK RD.

NOTES :

1. BEARINGS BASED ON THE SOUTH LINE OF LOT 61 AS SHOWN.
2. UNDERGROUND IMPROVEMENTS NOT LOCATED.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. SUBJECT PROPERTY LIES IN ZONE "X" AND "AE" PER FLOOD INSURANCE RATE MAP PANEL 120289 0130 E, DATED APRIL 17, 1995.
5. DATE OF FOUNDATION SURVEY: JUNE 10, 1995.
5. DATE OF FINAL SURVEY: DEC. 22, 1995.

LEGEND

CONC = CONCRETE
 R/W = RIGHT-OF-WAY
 PC = POINT OF CURVATURE
 R = RADIUS
 A = ARC LENGTH
 D = CENTRAL ANGLE

52' CONTOUR LINE AND FLOOD HAZARD BOUNDARY PER FLOOD MAP

SET 5/8" IRON ROD #4887

CANAL

SET 5/8" IRON ROD #4887

LOT 62

N.49°53'00"W.

FOUND 1-1/4" IRON PIPE #2005

25.00'

BOUNDARY SURVEY

SCENIC POINT ROAD 50' R/W
CENTERLINE

FOUND 5/8" IRON ROD (UN-NUMBERED)

50.00'

A=43.57'
D=99°51'32"
R= 25.00'

FOUND 4" CONC MONUMENT

PC 25.00'

WELL 15'

S.40°07'00"W.

VISTA ROAD

172.55'

27.6'

ONE STORY CONC BLOCK RESIDENCE #1060

PORCH

CONC DRIVEWAY

101.85'

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DESCRIPTION:

LOT 61, MYRTLE LAKE HILLS,
AS RECORDED IN PLAT BOOK 13,
PAGES 7-9, PUBLIC RECORDS OF
SEMINOLE COUNTY, FLORIDA

CERTIFIED TO:

LARRY C. MAINGOT
LINDA M. MAINGOT

SUNTRUST BANK,
CENTRAL FLORIDA N.A.

ROSS TITLE
COMPANY

OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY

I HEREBY CERTIFY:

THAT THIS SURVEY MEETS THE
MINIMUM TECHNICAL STANDARDS
SET FORTH BY THE FLORIDA
BOARD OF LAND SURVEYORS IN
CHAPTER 61G17 - 6, FLORIDA
ADMINISTRATIVE CODE.

T-B-L

DATE: DEC. 22, 1995

SCALE: 1" = 30'

JOB NO. 95-261.2

BIGLEY LAND SURVEYING
124 ROBIN ROAD
SUITE 1500

JOB NAME

JOB #

LOCATION MAP

OVERLOOK SCENE

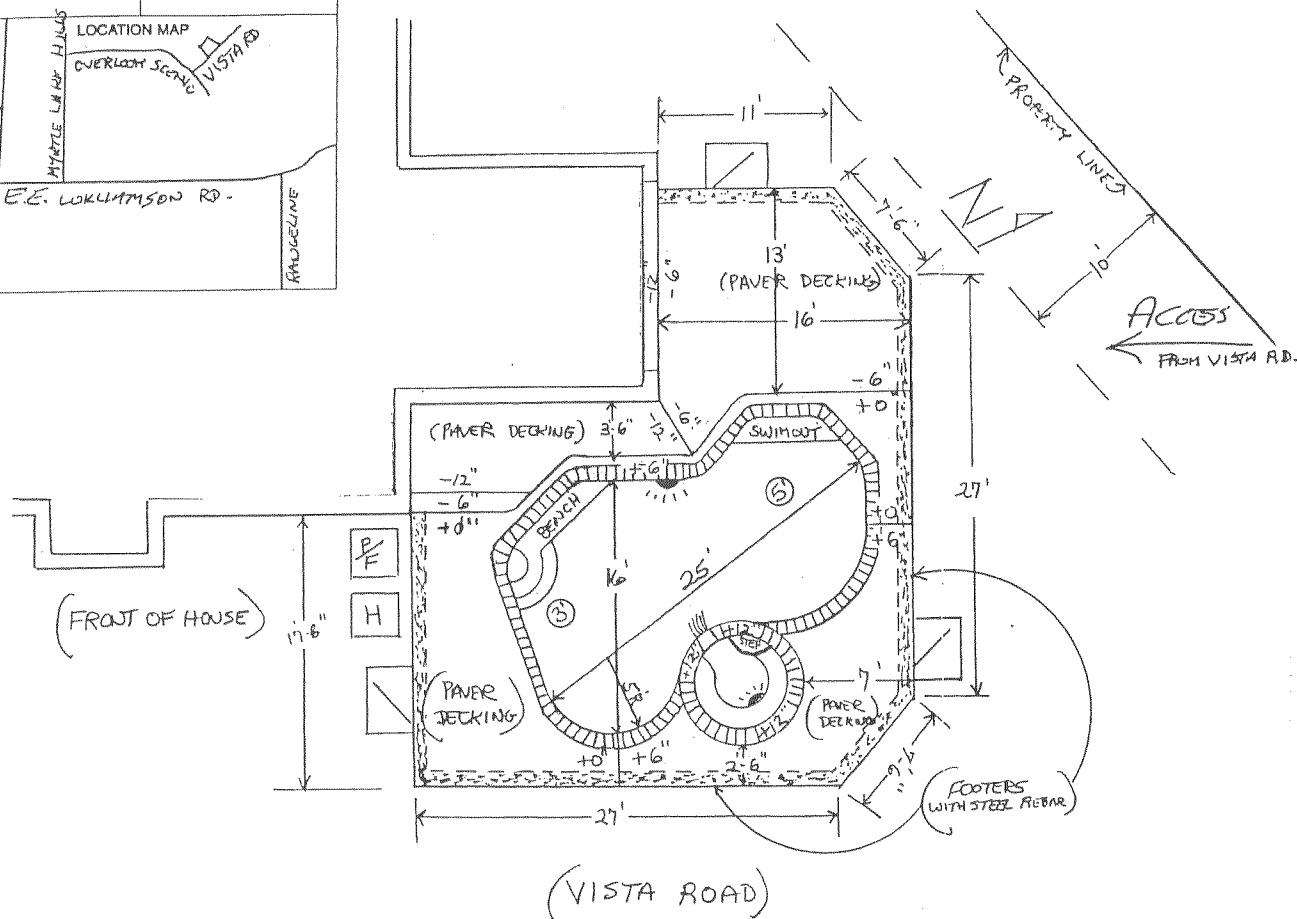
VIEWED

TR-4

MARTLE LAKE HILLS

E.E. WOLKATHYSON RD.

RAIDGUNE



Palmer Pools
C O R P O R A T I O N

303 Burleigh Court, Winter Springs, Florida, 32708
(407) 365-4128

Swimming Pool
License No.
RP0021614

Residential
Building
License No.
CRC045824

Max Width 16 Ft Max Length 25 Ft Depth 3 to 5
 POOL Surface Area 275 Sqft Pool Perimeter 69 Linft
 SPA Surface Area 32 Sqft Spa " 18 Linft
 Total Length of Swimouts, Benches, Steps & Ledges 30 Linft

EXCAVATION TYPE NORMAL DIRT REMOVAL TRUCKS
Other Removals: Concrete Sqft Stumps # 7 Sizes 18" - 28"
Trash: Type # of Loads
FENCE REMOVAL: Linft By Replaced by
GRADING: When Before start # Hours 2 By PAUMERS

NEW DECKING: Type PAVERS SqFootage 696
 Other Type _____ SqFootage _____
 TOTAL NEW DECKING: SqFootage 696
 Top Existing Concrete with SqFootage _____
 Footers with Steel Rebar 9" x 11" Color Banding: Yes No ✓
 Step Risers: Type PINKISH BROWN Faced w/ TILE 87 Linft
 Other Deck Features _____

STRUCTURAL: Interior Type QUARTZ Color _____
 Raised Beams: 6" 17 R 12" 8 R 18" _____ R Other: _____" _____ R
 Beach Area with Bubbler: Size _____ Shallow End _____ Deep End _____
 Other _____

THERAPY SPA: Size 6' x 14' x 6' Shallow End ☒ Deep End ☐
 (Includes: Bench, Step, Light, (4) Jets and 1.5 hp Blower with Air Switch)
 Heater: Propane ☒ Nat. Gas ☐ Size: 400,000 BTUs
 Automatic Pool/Spa Control System AQUA LOGIC

EQUIPMENT & ACCESSORIES: Filter Type CARTRIDGE Model C1750
Pump Size 2 hp Other _____ hp
Auto Cleaner NAVIGATOR Chlorination System SALT
Slide: Left Curve _____ Right Curve _____ Diving Board: Size _____ ft
Water Features: Types _____ Sizes _____ Models _____
Child Protection: Fencing _____ Alarms ☒ _____ BY OWNER
Miscellaneous _____

ADDITIONAL NOTES:

Prepared By: BOB NOBLE Exclusively For:
Name: LARRY C. + LINDA M. MAIN GOTT
Address: 1060 VISTA RD. City: LONGWOOD Zip 32750
Home Phone: 407-820-1264 Work: 585-2585 Cell: 221-5892
Permit to be secured from: Seminole County

Lot: 61 Block: — Subdivision: MYRTLE LAKE HILLS
Plat Book: 13 Pages: 7-9 PR of SEMINOLE

Customers Signature: _____ Date: _____


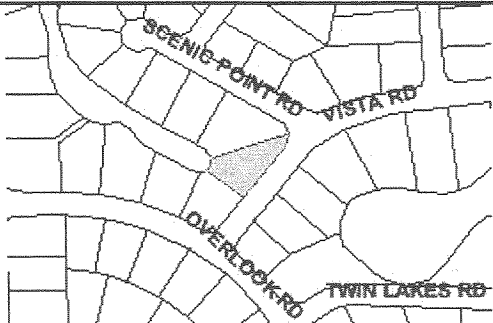

Proposal	<input type="checkbox"/>	APPROVED FOR LAYOUT, DIMENSIONS AND EQUIPMENT. I/WE UNDERSTAND THAT ANY CHANGES MAY INVOLVE AN ADDITIONAL CHARGE. CUSTOMER'S SIGNATURE _____
Shop Drawing	<input type="checkbox"/>	
Change Order	<input type="checkbox"/>	
Date	_____	



Homeowner's Responsibilities: Prior to start of construction all landscaping and sprinkler systems in areas of access and pool construction must be removed by homeowner...if pool is to have a gas heater of any type, arrangement for delivery of storage tank and/or hookup is the responsibility and expense of the homeowner.....as is any resodding or re-landscaping.

Total Gallonage:	8,950	Gals.
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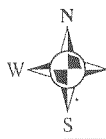
SCALE: 1/8" = 1' 0"	SCREEN ENCLOSURE: Size 32' x 38'	STYLE DOUBLE GABLE	COLOR BRONZE	WALL HGT 10-FT	DOORS (3)	INSERTS —
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PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALTS SEARCH	◀ Back ▶																																																																								
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																																													
<p align="center">GENERAL</p> <p>Parcel Id: 25-20-29-501-0000-0610 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: MAINGOT LARRY C & LINDA M Exemptions: 00-HOMESTEAD</p> <p>Address: 1060 VISTA RD</p> <p>City,State,ZipCode: LONGWOOD FL 32750</p> <p>Property Address: 1060 VISTA RD LONGWOOD 32750</p> <p>Subdivision Name: MYRTLE LAKE HILLS</p> <p>Dor: 01-SINGLE FAMILY</p>			<p align="center">2004 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$244,292</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$32,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$276,292</p> <p>Assessed Value (SOH): \$192,336</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$167,336</p>																																																																										
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>01/1994</td> <td>02717</td> <td>0483</td> <td>\$24,600</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	01/1994	02717	0483	\$24,600	Vacant	<p align="center">2003 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$4,006</p> <p>2003 Tax Bill Amount: \$2,807</p> <p>Savings Due To SOH: \$1,199</p> <p>2003 Taxable Value: \$163,750</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																																																														
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																																													

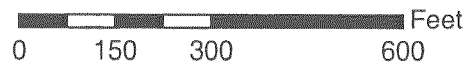
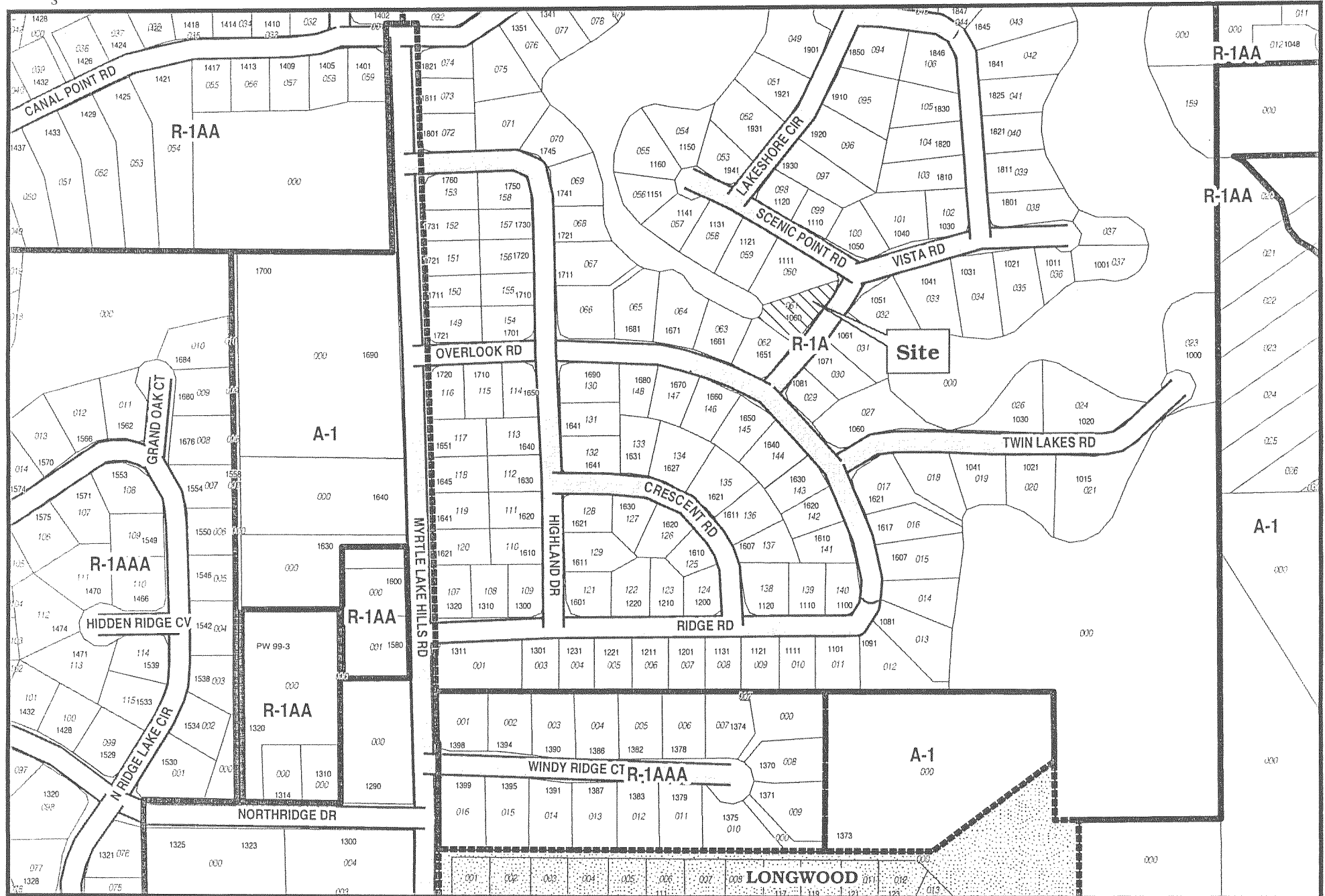
BACK

PROPERTY APPRAISER
HOME PAGE

CONTACT



Larry and Linda Maingot 1060 Vista Road



*Richard & Mary O'Connor
1111 Scenic Point Road
Myrtle Lake Hills
Longwood, Florida*

February 5, 2004

Seminole County
Board of Adjustment

To Whom It May Concern:

Be advised that we own the property at 1111 Scenic Point Road which is adjacent to the Maingot property at 1060 Vista Road. Mr. & Mrs. Maingot are asking for a side yard setback variance from 10 feet to 5 feet on the property line that divides our two homes.

Be advised that we have no issues with the Board approving Mr. & Mrs. Maingot requested variance.

Sincerely,



Richard O'Connor



Mary O'Connor

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On February 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 61 MYRTLE LAKE HILLS, PB 13, PG 8

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: LARRY C. MAINGOT
1060 VISTA ROAD
LONGWOOD, FL 32750

Site Address: 1060 VISTA ROAD

Requested Development Approval:

1. SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL SCREEN ENCLOSURE, AS DEPICTED ON THE ATTACHED SITE PLAN.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Applicant's Name: Larry & Linda Maingot

Mailing & Site Address: 1060 Vista Road,
Longwood, Florida 32750

Phone Numbers: Home (407) 830-1264
Mobile (407) 221-5892
Work (407) 585-2585

E-Mail Address: Home - lmaingot@cfl.rr.com
Work - lmaingot@bairnco.com

Statement of Variance Request:

- a. Front yard street setback variance to place pool and pool enclosure in front of house.

Hardship - Due to the physical characteristics of the property (triangular shaped, corner lot) and the existence of the canal/flood hazard boundary at the rear of the house with its required setbacks, the proposed location of the pool as shown on the attached boundary survey is the only viable alternative.

Granting of this variance would not be a special privilege denied to others in the same zoning district as a similar front/side street setback variance for a pool addition was previously approved for Lot #90 in Myrtle Lake Hills (corner of Canal Point and Myrtle Drive).

- b. Front yard setback variance from 27.6 feet to 21 feet for proposed pool enclosure and from 27.6 feet to 24 feet for the pool. The 27.6 feet is the current setback of the existing house from the front street.

Project Name: Maingot Pool

Current Use of Property: Single Family Residence

Legal Description of Property: Lot 61, Myrtle Lake Hills, as recorded in plat book 13, pages 7-9, public records of Seminole County, Florida

Size of Property: 16,436 sq. ft.

Parcel Identification Number: 25-20-29-501-0000-0610

Known Code Enforcement Violations on Property: None

Property Accessibility to inspection by Planning Division Staff: Yes

All other requirements of Section 1.2 are shown on the attached Boundary Survey